

Last revised 8/1/15

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

Joseph Battaglio, Sr.

Case No.:

13-12081

Judge:

Christine M. Gravelle

Chapter:

13

Debtor(s)

"7th Modified Chapter 13 plan"

Chapter 13 Plan and Motions

Original

Modified/Notice Required

Discharge Sought

Motions Included

Modified/No Notice Required

No Discharge Sought

Date: August 15, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 400.00 per month to the Chapter 13 Trustee, starting on March 1, 2013 for approximately 60 months. until NY property is sold.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future earnings

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- Sale of real property

Description: 344 Route 296, Hensonville, New York

Proposed date for completion: February 28, 2018

- Refinance of real property:

Description:

Proposed date for completion: _____

- Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

- d. The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
William H. Oliver Jr.	Administrative Expenses	
Internal Revenue Service	Priority Debt	\$16,393.78 (remaining balance of claim)

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Green County Treasurer	344 Route 296, Hensonville, NY	\$9,938.24		\$9,938.24* *arrears to be paid upon sale of NY Property.	

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the “Value of the Creditor Interest in Collateral,” plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having “NO VALUE” it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
None							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Ally Financial Loan (vehicle loan) is not in arrears, regular monthly payment to be made outside of the chapter 13 plan.

1st and 2nd mortgage (Pt Pleasant Property) regular monthly payments to be made outside the chapter 13 plan as per loan modification

e. Secured Claims to be Paid in Full Through the Plan: agreement.

Creditor	Collateral	Total Amount to be Paid Through the Plan
None		

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*

Not less than _____ 100% percent non-exempt equity from sale of NY property.

Pro Rata distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
None		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
None		

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
None			

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon confirmation
 Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Other Administrative Claims - William H. Oliver Jr.
- 3) Secured Claims- Green County Treasurer
- 4) Priority Claims - IRS
5)Lease Arrearages 6)General Unsecured Claims

d. Post-Petition Claims

The Trustee is, is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: November 1, 2016.

Explain below **why** the plan is being modified:
To extend time to sell property at 344 Route 296, Hensonville,
New York an additional 6 months until February 28, 2018.

Explain below **how** the plan is being modified:
Part 1C: to extend time to sell for 6 months until February 28,
2018.

Are Schedules I and J being filed simultaneously with this Modified Plan? Yes No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: August 15, 2017

/s/William H. Oliver Jr.

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: August 15, 2017

/s/ Joseph Battaglio, Sr.

Debtor

Date: _____

Joint Debtor

In re:
Joseph Battaglio, Jr.
Debtor

Case No. 13-12081-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 41

Date Rcvd: Aug 17, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 19, 2017.

db Joseph Battaglio, Jr., 523 Eisenhower Dr., Point Pleasant, NJ 08742-5410
aty +Harry A Cummins, Wilkofsky, Friedman, Karel & Cummins, 299 Broadway, Ste 1700,
New York, NY 10007-1914
cr +Greene County Treasurer Office, Att: Maria LaRosa, 411 Main St, POB 191,
Catskill, NJ 12414-0191
513652257 +American Express, P. O. Box 981537, El Paso, TX 79998-1537
513928910 American Express Bank FSB, c/o Becket and Lee LLP, POB 3001, Malvern PA 19355-0701
513946008 +American InfoSource LP as agent for, DIRECTV, LLC, Mail Station N387, 2230 E Imperial Hwy,
El Segundo, CA 90245-3504
513652258 Borough of Point Pleasant, P. O. Box 25, Point Pleasant, NJ 08742
513652259 Brick Township MUA, 1551 Highway 88 East, Brick, NJ 08724-2399
513652261 Chase Bank USA, P. O. Box 15298, Wilmington, DE 19850-5298
513652262 +Chase Home Finance, P.O. Box 24696, Columbus, OH 43224-0696
513652263 +Cohn, Lifland, Pearlman, Hermann & Knopf, Park 80 Plaza West One, 250 Pehle Ave., Ste 401,
Saddle Brook, NJ 07663-5832
513652264 Comcast of Monmouth, P. O. Box 840, Newark, NJ 07101-0840
515007215 +County of Greene, Greene Count Treasurer, 411 Main St POB 191, Catskill, NY 12414-0191
513652265 +Eastern Account System, 75 Glen Road, Suite 110, Sandy Hook, CT 06482-1175
513652266 +Frsteam by Love Cleaners, 35 5th Avenue, Bay Shore, NY 11706-7395
513652267 +Home Depot/CitiBank, P.O. Box 6497, Sioux Falls, SD 57117-6497
513964664 +JPMORGAN CHASE BANK, N.A., Attn: Correspondence Mail, Mail Code LA4-5555, 700 Kansas Lane,
Monroe, LA 71203-4774
513652273 +Marshall and Clark CPA PC, c/o Robert Clark, 573 Inverness Court, Oxford, CT 06478-3119
513652275 +Phillips & Cohen Associates, Ltd., Mail Stop 875, 1004 Justison Street,
Wilmington, DE 19801-5148
513986088 +RA NO FRSTEAM BY LOVE CLEANERS, 299 Broadway, Suite 1700, New York, NY 10007-1914
513652276 +Ron Rapka, 807 Matolokong Rd, Brick, NJ 08723-5200
513652274 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: NJ Division of Taxation, Corp Service Audit-B, PO Box 277,
Trenton, NJ 08695-0277)
513652277 +Sears/CBNA, P.O. Box 6282, Sioux Falls, SD 57117-6282
516593718 +State of New Jersey, Div of Employer Accounts, POB 379, Trenton, NJ 08625-0379
513963169 +U.S. Bank National Association, as Trustee, succes, c/o Zucker Goldberg & Ackerman,
200 Sheffield Street, Suite 301, Mountainside, NJ 07092-2315
513652281 +Verizon New Jersey, Inc., 500 Technology Drive, Weldon Spring, MO 63304-2225
513652282 +Wilkofsky, Friedman, Karel & Cummins, 299 Broadway, Suite 1700, New York, NY 10007-1914
513912967 +Yellow Book, Att: Slater Tenaglia Fritz, 301 Third St, Ocean City, NJ 08226-4007
513652283 +Yellow Book USA, 2560 Renaissance Boulevard, Attention: Billing,
King Of Prussia, PA 19406-2673

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 17 2017 23:08:41 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Aug 17 2017 23:08:38 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235
513652256 +E-mail/Text: ally@ebn.phinsolutions.com Aug 17 2017 23:07:51 Ally Financial,
PO Box 380901, Bloomington, MN 55438-0901
513830883 E-mail/Text: ally@ebn.phinsolutions.com Aug 17 2017 23:07:51 Ally Financial,
PO Box 130424, Roseville, MN 55113-0004
513771294 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Aug 17 2017 23:10:26
American InfoSource LP as agent for, Verizon, PO Box 248838,
Oklahoma City, OK 73124-8838
513652260 +E-mail/Text: bankruptcynotices@cbecompanies.com Aug 17 2017 23:08:59 CBE Group,
1309 Technology Parkway, Cedar Falls, IA 50613-6976
513675946 E-mail/Text: cio.bncmail@irs.gov Aug 17 2017 23:08:06
Department of Treasury - Internal Revenue Service, PO Box 7346,
Philadelphia, PA 19101-7346
513905004 +E-mail/Text: bncmail@w-legal.com Aug 17 2017 23:08:54 KEYSTONE RECOVERY PARTNERS, SERIES II,
C O WEINSTEIN AND RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
516782660 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 17 2017 23:10:39
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
516782661 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 17 2017 23:10:11
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
513963013 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 17 2017 23:10:25
Portfolio Recovery Associates, LLC, c/o Chase Bank Usa, N.a., POB 41067,
Norfolk VA 23541
513652280 +E-mail/Text: bankruptcy@td.com Aug 17 2017 23:08:44 TD Bank, 6000 Atrium Way,
Mount Laurel, NJ 08054-3918

TOTAL: 12

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 41

Date Rcvd: Aug 17, 2017

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

513652272* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
PHILADELPHIA PA 19101-7346
(address filed with court: Internal Revenue Service, Andover, MA 05501-0010)
513652269* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
PHILADELPHIA PA 19101-7346
(address filed with court: Internal Revenue Service, Department of Treasury,
P. O. Box 22421, Newark, NJ 07101-2421)
513652270* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
PHILADELPHIA PA 19101-7346
(address filed with court: Internal Revenue Service, PO Box 21126, Philadelphia, PA 19114)
513652268* ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 7346,
PHILADELPHIA PA 19101-7346
(address filed with court: Internal Revenue Service, Special Procedures, Bankruptcy Section,
P.O. Box 724, Springfield, NJ 07081)
513652271* Internal Revenue Service, Cincinnati, OH 45999-0038
513785410* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State Of New Jersey, Division Of Taxation, Bankruptcy Section,
PO Box 245, Trenton, NJ 08695-0245)
513652279* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of NJ - Div. of Taxation, P.O. Box 269, Trenton, NJ 08695)
513652278 ##+Slater, Tenaglia, Fitz & Hunt, 301 Third Street, Ocean City, NJ 08226-4007

TOTALS: 0, * 7, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 19, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on August 15, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Conika Majumdar on behalf of Creditor JPMORGAN CHASE BANK, N.A. conika.majumdar@fnf.com
Denise E. Carlon on behalf of Creditor U.S. Bank National Association, as Trustee, successor
in interest to Wachovia Bank, N.A., as Trustee for Chase Funding Mortgage Loan Asset-Backed
Certificates, Series 2003-6 bankruptcynotice@zuckergoldberg.com, bkgroup@kmllawgroup.com
Joel A. Ackerman on behalf of Creditor U.S. Bank National Association, as Trustee, successor
in interest to Wachovia Bank, N.A., as Trustee for Chase Funding Mortgage Loan Asset-Backed
Certificates, Series 2003-6 jackerman@zuckergoldberg.com
Lynn Therese Nolan on behalf of Creditor Greene County Treasurer Office
LNolan@schillerknapp.com,
tshariff@schillerknapp.com;jcollen@schillerknapp.com;kcollins@schillerknapp.com
R. A. Lebron on behalf of Creditor JPMORGAN CHASE BANK, N.A. bankruptcy@feinsuch.com
William H. Oliver, Jr. on behalf of Debtor Joseph Battaglio, Jr. bkwliver@aol.com,
r59915@notify.bestcase.com

TOTAL: 9